

RESTRICTION REQUIREMENT

The Examiner requires restriction under 35 U.S.C. § 121 and 372 to one of the following inventions:

- I Claims 1-13, drawn to a transgenic non-human mammal or a portion thereof, wherein an a-synuclein gene is introduced and the gene is expressed in the neurons, and the number of dopamine-producing neurons in the substantia nigra is significantly decreased as compared with that of a wild-type animal.
- II Claims 14 and 15, drawn to a substance having dopamine-like action.

The Examiner further requires election of one of the following species, referring to PCT Rule 13.1:

- A A transgenic encoding wild-type human α -synuclein.
- B A transgenic encoding a human α -synuclein variant wherein a Thr residue at amino acid 53 is substituted for an Ala residue.
- C A transgenic encoding a human α -synuclein variant wherein C terminal amino acid residues are deleted.

ELECTION

In order to be responsive to the requirement for restriction, Applicants elect, with traverse, the invention set forth in **Group 1, claims 1 to 13**, drawn to a transgenic non-human mammal or a portion thereof, wherein an a-synuclein gene is introduced and the gene is expressed in the neurons, and the number of dopamine-producing neurons in the substantia nigra is significantly decreased as compared with that of a wild-type animal.

Further, Applicants elect, with traverse, the **species c), a transgenic encoding a human α -synuclein variant wherein C terminal amino acid residues are deleted**. At least claims 1, 2, and 4-11 are readable on the elected species.

TRAVERSE

Notwithstanding the aforementioned elections, Applicants respectfully traverse the requirement for restriction.

Applicants note that this application is a national stage application, and therefore under unity of invention practice the Examiner must establish that the claims lack unity of invention under PCT Rule 13.1 and 37 C.F.R. 1.475.

The Restriction Requirement asserts that Groups I and II, as well as the three identified species, lack the same or corresponding technical feature because “mice expressing human α -synuclein in neurons were known in the art,” referring to Masliah (Science, 2000, Vol. 187, pp. 1265-1269); and van der Putten (J. Neurosci., 2000, Vol. 20, No. 16, pp. 6021-6029).

Applicants respectfully submit that the Office will be required to withdraw the Restriction Requirement upon reciting subject matter that is not disclosed in the art. Applicants respectfully reserve the right to rebut any statement that the Office has made relating to the disclosure of the prior art.

Applicants further note that in the instant situation, the requirement does not refer to PCT Rule 1.475, and does not indicate that the requirement is proper in view of this rule. The requirement is improperly silent with respect to any supporting basis in the PCT 1.475.

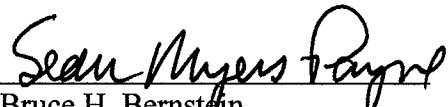
Therefore, the restriction requirement is improper for not discussing the various sections of PCT Rule 1.475, and applying these rules to the pending claims.

Accordingly, the restriction requirement is not proper, and should be withdrawn.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the requirement for restriction, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application.

If there are any comments or questions, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
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